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By: **Delegates Taylor, Bobo, Bronrott, Burns, Feldman, Goldwater, Haynes, Impallaria, Kaiser, King, Lee, Love, Madaleno, Mandel, Marriott, Moe, Montgomery, Murray, Paige, Ramirez, Simmons, Stern, Trueschler, and Vaughn**

Introduced and read first time: February 27, 2003  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Workers' Compensation - Students in Unpaid Work-Based Learning**  
3                                   **Experiences**

4 FOR the purpose of providing workers' compensation coverage to students in unpaid  
5 work-based learning experiences; establishing the components of the unpaid  
6 work-based learning experiences covered under this Act; designating the  
7 employer of a student in an unpaid work-based learning experience for purposes  
8 of coverage under the State workers' compensation laws; authorizing the county  
9 board of education that places the student to obtain workers' compensation  
10 insurance coverage for the student; requiring a participating employer to  
11 reimburse the county board of education for the cost of the workers'  
12 compensation coverage; providing for the application of this Act; and generally  
13 relating to workers' compensation coverage for students in unpaid work-based  
14 learning experiences.

15 BY adding to  
16 Article - Education  
17 Section 7-114  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2002 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Labor and Employment  
22 Section 9-228  
23 Annotated Code of Maryland  
24 (1999 Replacement Volume and 2002 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Education**

2 7-114.

3 (A) IN THIS SECTION, "UNPAID WORK-BASED LEARNING EXPERIENCE" MEANS  
4 A PROGRAM THAT PROVIDES A STUDENT WITH STRUCTURED  
5 EMPLOYER-SUPERVISED LEARNING THAT:

6 (1) OCCURS IN THE WORKPLACE;

7 (2) LINKS WITH CLASSROOM INSTRUCTION;

8 (3) IS COORDINATED BY A COUNTY BOARD; AND

9 (4) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF AN  
10 INDIVIDUAL WRITTEN WORK-BASED LEARNING AGREEMENT BETWEEN THE  
11 COUNTY BOARD OF EDUCATION PLACING A PARTICIPATING STUDENT AND THE  
12 EMPLOYER OF THAT PARTICIPATING STUDENT.

13 (B) A STUDENT WHO HAS BEEN PLACED WITH AN EMPLOYER IN AN UNPAID  
14 WORK-BASED LEARNING EXPERIENCE COORDINATED BY A COUNTY BOARD IS A  
15 COVERED EMPLOYEE OF THAT EMPLOYER, AS DEFINED IN TITLE 9 OF THE LABOR  
16 AND EMPLOYMENT ARTICLE, FOR THE PURPOSES OF COVERAGE UNDER THE STATE  
17 WORKERS' COMPENSATION LAWS.

18 (D) (1) THE COUNTY BOARD THAT PLACES A STUDENT WITH AN EMPLOYER  
19 IN AN UNPAID WORK-BASED LEARNING EXPERIENCE UNDER THIS SECTION MAY  
20 SECURE WORKERS' COMPENSATION COVERAGE FOR THAT STUDENT.

21 (2) THE PARTICIPATING EMPLOYER SHALL REIMBURSE THE COUNTY  
22 BOARD IN AN AMOUNT EQUAL TO THE LESSER OF:

23 (I) THE COST OF THE PREMIUM FOR THE WORKERS'  
24 COMPENSATION INSURANCE COVERAGE; OR

25 (II) A FEE OF \$250.

26 **Article - Labor and Employment**

27 9-228.

28 (a) (1) A handicapped student is a covered employee while working for an  
29 employer without wages in a work assignment in accordance with § 8-402 of the  
30 Education Article.

31 (2) For the purposes of this title, the employer for whom the handicapped  
32 student works is the employer of the handicapped student.

33 (b) (1) An individual is a covered employee while working as a student  
34 intern or student teacher under § 6-107 of the Education Article.

1           (2)       For the purposes of this title, the Board of School Commissioners of  
2 Baltimore City or the board of education for any other county is the employer of an  
3 individual who is a covered employee under this subsection in that county.

4       (C)       (1)       A STUDENT IS A COVERED EMPLOYEE WHEN THE STUDENT HAS  
5 BEEN PLACED WITH AN EMPLOYER IN AN UNPAID WORK-BASED LEARNING  
6 EXPERIENCE COORDINATED BY A COUNTY BOARD UNDER § 7-114 OF THE EDUCATION  
7 ARTICLE.

8           (2)       FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM THE  
9 STUDENT WORKS IN THE UNPAID WORK-BASED LEARNING EXPERIENCE IS THE  
10 EMPLOYER OF THE STUDENT.

11       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
12 applicable to students in unpaid work-based learning experiences, as defined by §  
13 7-114 of the Education Article, beginning with the 2003-2004 school year.

14       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2003.